



Public Order Act 1986

1986 CHAPTER 64

PART III

RACIAL HATRED

Racially inflammatory material

23 Possession of racially inflammatory material.

- (1) A person who has in his possession written material which is threatening, abusive or insulting, or a recording of visual images or sounds which are threatening, abusive or insulting, with a view to—
 - (a) in the case of written material, its being [^{F1}displayed, published, distributed, [^{F2}or] included in a cable programme service], whether by himself or another, or
 - (b) in the case of a recording, its being [^{F3}distributed, shown, played, [^{F2}or] included in a cable programme service], whether by himself or another,is guilty of an offence if he intends racial hatred to be stirred up thereby or, having regard to all the circumstances, racial hatred is likely to be stirred up thereby.
- (2) For this purpose regard shall be had to such [^{F4}display, publication, distribution, showing, playing, [^{F5}or] inclusion in a programme service] as he has, or it may reasonably be inferred that he has, in view.
- (3) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the written material or recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.
- (4) ^{F6}

Changes to legislation: Public Order Act 1986, Section 23 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 23(1)(a) repealed (S.) (1.4.2024) by [Hate Crime and Public Order \(Scotland\) Act 2021 \(asp 14\)](#), s. 21(2), **sch. 2 para. 1(3)(a)**; S.S.I. 2024/82, reg. 2 (with reg. 3)
- F2** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), **s. 164(4)(a)**
- F3** Words in s. 23(1)(b) repealed (S.) (1.4.2024) by [Hate Crime and Public Order \(Scotland\) Act 2021 \(asp 14\)](#), s. 21(2), **sch. 2 para. 1(3)(b)**; S.S.I. 2024/82, reg. 2 (with reg. 3)
- F4** Words in s. 23(2) repealed (S.) (1.4.2024) by [Hate Crime and Public Order \(Scotland\) Act 2021 \(asp 14\)](#), s. 21(2), **sch. 2 para. 1(3)(c)**; S.S.I. 2024/82, reg. 2 (with reg. 3)
- F5** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), **s. 164(4)(b)**
- F6** S. 23(4) repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), ss. 164(4)(c), 203(3), **Sch. 21**

Changes to legislation:

Public Order Act 1986, Section 23 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4B inserted by [2023 c. 47 s. 1](#)